



1 (Court in Session at 1:28 p.m.)

2 THE COURT: Okay. We're here for a plea to an  
3 Information in the case of *United States vs. Austin Witkowski*.  
4 This is Case No. 19-245, assigned to District Judge Greg Kays.  
5 Mr. Witkowski apparently is going to plead to a charge of making  
6 a false statement, a single count charge. And Matt Blackwood  
7 with the -- yes.

8 MR. BLACKWOOD: Yes, Your Honor.

9 THE COURT: I don't think we've met yet, have we?

10 MR. BLACKWOOD: I do not believe so.

11 THE COURT: Okay. Well, welcome.

12 MR. BLACKWOOD: Thank you.

13 THE COURT: Matt Blackwood, Assistant U.S. Attorney, is  
14 here on behalf of the United States. And Mr. Witkowski is here  
15 represented by his lawyer, Leon Davis.

16 MR. DAVIS: That's correct, Your Honor.

17 THE COURT: Okay. Great. All right. I have up here on  
18 my desk, Mr. Witkowski, a consent to entry of a felony plea  
19 before me. I'm a Magistrate Judge, and you do have the right to  
20 have your plea before the District Judge assigned to your case  
21 but you could waive that. And Judge Kays asked me to take this  
22 plea for him. Is that what you want to do here today?

23 MR. WITKOWSKI: Yes, Your Honor.

24 THE COURT: Okay. All right. Well, I will accept your  
25 waiver. And just understand that you do have the right also to

1 have your case presented to a Federal Grand Jury for an  
2 indictment. And you can waive that. And is that what you're  
3 wanting to do here today?

4 MR. WITKOWSKI: Yes, Your Honor.

5 THE COURT: Okay. Okay. Do we have a signed waiver in  
6 this case?

7 MR. BLACKWOOD: We do, Your Honor.

8 THE COURT: All right.

9 (Judge Reviewing Documents)

10 THE COURT: Okay. Mr. Witkowski, I have to ask you some  
11 questions about the facts of the case and also make sure that you  
12 understand all of your rights that you're giving up by pleading  
13 guilty here today. So, please raise your right hand.

14 AUSTIN BAILEY WITKOWSKI, DEFENDANT, SWORN

15 THE COURT: All right. Please be seated. Okay. The  
16 indictment -- or the Information that you're pleading guilty to  
17 is a charge on making a false statement to the FBI in violation  
18 of 18, United States Code, Section 1001(a)(2). The Information  
19 reads as follows: On or about March 25<sup>th</sup>, 2019, in the Western  
20 District of Missouri, Defendant Austin Bailey Witkowski did  
21 willfully and knowingly make materially false, fictitious, and  
22 fraudulent statements and representations in a matter within the  
23 jurisdiction of the Executive Branch of the Government of the  
24 United States, in that defendant made statements to agents of the  
25 Federal Bureau of Investigation in which he represented he had

1 never called for a re-enactment of the Christchurch, New Zealand,  
2 shooting and had never asked anyone to meet with him in  
3 furtherance of a plan related to such an attack, when, in fact,  
4 defendant well knew that he had -- he did make these statements  
5 all in violation of Title 18, United States Code, Section  
6 1001(a)(2). Okay. The penalty for this crime is -- the maximum  
7 possible penalty is not more than five years in prison. The fine  
8 is not more than \$250,000. The supervised release term is not  
9 more than three years and there is a mandatory \$100 special  
10 assessment. This is, I believe, a Class D felony, Mr. Blackwood?

11 MR. BLACKWOOD: That's correct.

12 THE COURT: Okay. All right. So, do you understand the  
13 charge against you, sir?

14 MR. WITKOWSKI: Yes, Your Honor.

15 THE COURT: And do you also understand the maximum  
16 possible punishment?

17 MR. WITKOWSKI: Yes, Your Honor.

18 THE COURT: All right. You can sit down. You don't  
19 have to stand up. All right. How old are you, sir?

20 MR. WITKOWSKI: I'm 19 years old.

21 THE COURT: And how far did you go in school?

22 MR. WITKOWSKI: I completed my GED.

23 THE COURT: GED. Do you read, write and understand the  
24 English language?

25 MR. WITKOWSKI: Yes, Your Honor.

1 THE COURT: Are you currently under the influence of any  
2 alcohol, drugs or medication?

3 MR. WITKOWSKI: No, Your Honor.

4 THE COURT: Mr. Davis, do you believe that your client  
5 is competent to enter a plea here today?

6 MR. DAVIS: I do, Your Honor.

7 THE COURT: Mr. Witkowski, have you ever been diagnosed  
8 with a mental disease or defect?

9 MR. WITKOWSKI: Yes, Your Honor.

10 THE COURT: And what is that?

11 MR. WITKOWSKI: Depression and anxiety.

12 THE COURT: Okay. Do those prevent you from  
13 understanding the proceedings here against you today?

14 MR. WITKOWSKI: No, Your Honor.

15 THE COURT: Now, are you clear-headed?

16 MR. WITKOWSKI: Yes, Your Honor.

17 THE COURT: And do you understand that if there's  
18 anything during the course of this plea that you feel like you're  
19 not sure about, you don't understand it, will you let me know  
20 that?

21 MR. WITKOWSKI: Yes, Your Honor.

22 THE COURT: All right. Okay. Mr. Blackwood, do you  
23 have anything in your file that would indicate the defendant is  
24 not competent to enter a plea?

25 MR. BLACKWOOD: No, Your Honor.

1 THE COURT: All right. Now, Mr. Witkowski, you have the  
2 right to continue to plead not guilty to this Information if you  
3 want to. You can have the matter presented to a Grand Jury. And  
4 by pleading guilty, you're waiving several of your constitutional  
5 rights. Do you understand that?

6 MR. WITKOWSKI: Yes, Your Honor.

7 THE COURT: I want to go over those rights with you.  
8 Now, one of the things you give up when you plead guilty is that  
9 if the case were to be indicted, your attorney would have the  
10 right to file pretrial motions to try to defend you in some  
11 fashion, motions to dismiss, motions to suppress evidence, that  
12 kind of thing. Do you understand that when you plead guilty  
13 you're giving up those rights?

14 MR. WITKOWSKI: Yes, Your Honor.

15 THE COURT: Do you also understand that as we sit here  
16 right now, you're presumed innocent. Until you plead guilty you  
17 are presumed innocent. And if the case were to go to trial, the  
18 District Judge would read to the jury an instruction, a jury  
19 instruction that would tell the jury, instruct them that they are  
20 required to presume that you're innocent of the charges. Do you  
21 understand that?

22 MR. WITKOWSKI: Yes, Your Honor.

23 THE COURT: And once you plead guilty you're no longer  
24 presumed innocent. Do you understand?

25 MR. WITKOWSKI: Yes, Your Honor.

1 THE COURT: You also, if you went to trial you'd have a  
2 right to a jury trial. That would be 12 -- in criminal cases 12  
3 jurors that would sit and hear the evidence in your case. And  
4 they would decide at the end of the trial whether you're guilty  
5 or not guilty of the charges. Do you understand that?

6 MR. WITKOWSKI: Yes, Your Honor.

7 THE COURT: You also would have the right to counsel.  
8 Mr. Davis would be there with you the entire time during the  
9 trial and he would represent you. He would confront and cross-  
10 examine the witnesses against you and do everything he could to  
11 try to convince the jury that you're not guilty of the charges.  
12 Do you understand that?

13 MR. WITKOWSKI: Yes, Your Honor.

14 THE COURT: And you also would have the right to -- in a  
15 criminal case in our country, the prosecutor has the burden to  
16 prove you're guilty beyond a reasonable doubt. They have to  
17 prove that you're guilty to the jury. You don't have to prove  
18 anything as a defendant. So, the burden is entirely upon the  
19 prosecution. Do you understand that?

20 MR. WITKOWSKI: Yes, Your Honor.

21 THE COURT: And once you waive your right to a trial,  
22 then you're admitting that you're guilty beyond a reasonable  
23 doubt and the Government no longer has to prove that you're  
24 guilty. Do you understand that?

25 MR. WITKOWSKI: Yes, Your Honor.

1           THE COURT: All right. Now, you would also, if you went  
2 to trial, have the right to call your own witnesses on your  
3 behalf, as well as the right to confront and cross-examine  
4 witnesses against you, to present any defenses to the charge  
5 against you, to use the subpoena power of the court to secure  
6 witnesses. If your lawyer -- if you went to trial, then your  
7 lawyer could ask the court to issue trial subpoenas to require  
8 witnesses to come and testify on your behalf. Do you understand  
9 that?

10           MR. WITKOWSKI: Yes, Your Honor.

11           THE COURT: And by pleading guilty you're giving up all  
12 of these rights. Do you understand?

13           MR. WITKOWSKI: Yes, Your Honor.

14           THE COURT: Another right that you have if you went to  
15 trial is that the jury's verdict in a criminal case has to be  
16 unanimous. In other words, all 12 of the jurors have to agree  
17 that you're guilty beyond a reasonable doubt. Do you understand  
18 that, sir?

19           MR. WITKOWSKI: Yes, Your Honor.

20           THE COURT: All right. And once you waive your right to  
21 a jury trial, you no longer have that right to have the unanimous  
22 verdict. Do you understand that?

23           MR. WITKOWSKI: Yes, Your Honor.

24           THE COURT: All right. You would also not be compelled  
25 to testify against yourself if you went to trial. You have the



1 Fifth Amendment right to remain silent. So, if you went to  
2 trial, nobody could make you testify if you didn't want to, not  
3 the prosecution, not your lawyer, not even the judge. You have  
4 the absolute right to remain silent. Do you understand that?

5 MR. WITKOWSKI: Yes, Your Honor.

6 THE COURT: You would also have the right, if you went  
7 to trial, to appeal the merits of your case. If you did go to  
8 trial and you were convicted by the jury, then you would have the  
9 right to appeal that to the Eighth Circuit Court of Appeals.  
10 Once you plead guilty you give up that right to appeal. Do you  
11 understand that?

12 MR. WITKOWSKI: Yes, Your Honor.

13 THE COURT: And, in fact, in your Plea Agreement it's  
14 one of the things that's discussed is your waiver of appellate  
15 and post-conviction rights. And if you would turn to page 9 of  
16 the Plea Agreement. Do you have a copy there, Mr. Davis?

17 MR. DAVIS: Yes, Your Honor, we do.

18 THE COURT: Okay. On page 9, Paragraph 15 it states  
19 that in Paragraph 15(b), the defendant expressly waives his right  
20 to appeal his sentence, directly or collaterally, on any ground  
21 except a claim of (1) ineffective assistance of counsel; (2)  
22 prosecutorial misconduct; or, (3) an illegal sentence. Do you  
23 understand you're giving up all of your rights to appeal this --  
24 what happens from here on out to the Eighth Circuit except for  
25 those three areas?

1 MR. WITKOWSKI: Yes, Your Honor.

2 THE COURT: All right. And do you want to go ahead and  
3 go forward with your plea here today?

4 MR. WITKOWSKI: Yes, Your Honor.

5 THE COURT: All right. Okay. Now, let's go to the Plea  
6 Agreement. I have a copy of the agreement up here. Who has the  
7 original? Right here? Here it is.

8 MS. MARTIN: That's a clean copy (inaudible).

9 THE COURT: Yeah. Okay. Who has the original?

10 MR. BLACKWOOD: Your Honor, I have a copy of the signed  
11 original.

12 THE COURT: And did he sign it?

13 MR. BLACKWOOD: Yes, Your Honor.

14 THE COURT: All right. Is that your signature, Mr.  
15 Witkowski?

16 MR. WITKOWSKI: Yes, Your Honor.

17 THE COURT: And did you read the Plea Agreement before  
18 you signed it?

19 MR. WITKOWSKI: Yes, Your Honor.

20 THE COURT: Do you understand the terms of the Plea  
21 Agreement?

22 MR. WITKOWSKI: Yes, Your Honor.

23 THE COURT: Do you have any questions about -- that you  
24 want to ask me now about the terms of the Plea Agreement?

25 MR. WITKOWSKI: No, Your Honor.

1 THE COURT: Okay. Did you sign this Plea Agreement  
2 voluntarily?

3 MR. WITKOWSKI: Yes, Your Honor.

4 THE COURT: Were there any promises made to you which  
5 were not set forth in writing in the Plea Agreement?

6 MR. WITKOWSKI: No, Your Honor.

7 THE COURT: All right. Has there been any threats  
8 against you to get you to plead guilty?

9 MR. WITKOWSKI: No, Your Honor.

10 THE COURT: Do you understand that this Plea Agreement  
11 is an agreement between you and the United States?

12 MR. WITKOWSKI: Yes, Your Honor.

13 THE COURT: In other words, Judge Kays, who is your  
14 judge in this case, he's not bound by the terms of this  
15 agreement. Do you understand that?

16 MR. WITKOWSKI: Yes, Your Honor.

17 THE COURT: I'm sure he'll read it and he will likely  
18 follow the terms, but he's not required to. And I want to make  
19 sure you understand that. Do you?

20 MR. WITKOWSKI: Yes, Your Honor.

21 THE COURT: All right. Do you know that -- do you  
22 understand that the court must sentence you according to the  
23 Federal Sentencing Guidelines?

24 MR. WITKOWSKI: Yes, Your Honor.

25 THE COURT: And have you discussed the guidelines with

1 your attorney?

2 MR. WITKOWSKI: Yes, Your Honor.

3 THE COURT: All right. In some cases, the court can  
4 depart upward or downward from the guidelines. I don't know if  
5 that's a possibility in your case, but do you understand that?

6 MR. WITKOWSKI: Yes, Your Honor.

7 THE COURT: And in addition, sometimes the court can do  
8 a variance from the guidelines, a downward variance where, if  
9 your attorney makes some argument about your particular  
10 circumstances or something unique about your case, the judge  
11 sometimes can depart downward on a variance. I don't know if  
12 that will happen in this case but that's a possibility. Is that  
13 prohibited in the Plea Agreement, Mr. Blackwood?

14 MR. BLACKWOOD: That is contemplated by the Plea  
15 Agreement in this case.

16 THE COURT: I'm sorry?

17 MR. BLACKWOOD: It is contemplated by the Plea Agreement  
18 in this case.

19 THE COURT: All right. So, you would have -- your  
20 lawyer could make those arguments to the District Judge and  
21 that's up to Judge Kays. It's completely within his discretion.  
22 He's not required to do that. Do you understand that?

23 MR. WITKOWSKI: Yes, Your Honor.

24 THE COURT: All right. Now, could you state for the  
25 record, Mr. Blackwood, the reasons that the Government entered

1 into the Plea Agreement?

2 MR. BLACKWOOD: Yes, Your Honor. The defendant agrees  
3 to plead guilty to Count One of the Information for making false  
4 statements. The count carries a maximum of five years  
5 imprisonment in exchange for his plea. The defendant has agreed  
6 to assist the Government. The Government has further agreed not  
7 to bring any further charges related to the conduct at issue. It  
8 is further agreed the sentence as imposed is within the sole  
9 discretion of this court. And finally, the parties agree that  
10 there are no other agreements except for any written supplemental  
11 agreement that may be presented to the court *in camera*.

12 THE COURT: All right. Thank you. And I'm assuming  
13 that part of the reasons you're entering into this agreement is  
14 that it will save the costs and expense of a trial, resources of  
15 the Government?

16 MR. BLACKWOOD: Yes, Your Honor.

17 THE COURT: All right. Mr. Davis, what were your -- you  
18 and your client's reasons for entering into the Plea Agreement?

19 MR. DAVIS: Your Honor, I think that it's a fair  
20 agreement for what's happened. As the Government has stated, my  
21 client has agreed to cooperate in this investigation. I think  
22 it's in his best interest to do so. I have explained at length  
23 his possible defenses were we to proceed to trial and this is his  
24 decision to enter into this I believe of his own free will.

25 THE COURT: Okay. Thank you. Have any promises been

1 made to you, Mr. Witkowski about what Judge Kays will do or not  
2 do at sentencing?

3 MR. WITKOWSKI: No, Your Honor.

4 THE COURT: All right. You understand that it is  
5 completely up to Judge Kays?

6 MR. WITKOWSKI: Yes, Your Honor.

7 THE COURT: Have there been any promises that aren't in  
8 that Plea Agreement about what the Government will or will not do  
9 at sentencing?

10 MR. WITKOWSKI: No, Your Honor.

11 THE COURT: All right. Now, once you plead guilty you  
12 understand that it's virtually impossible to withdraw your plea  
13 of guilty. Do you understand that?

14 MR. WITKOWSKI: Yes, Your Honor.

15 THE COURT: And part of the Plea Agreement contemplates  
16 a term of supervised release. Do you understand what that is?

17 MR. WITKOWSKI: Yes, Your Honor.

18 THE COURT: Okay. It's not more than -- let's see here,  
19 three years in this case. They call that in state court parole.  
20 In federal court they call it supervised release. That's if you  
21 get a sentence of imprisonment, once you get out you have to be  
22 under the supervision of the United States Office of Probation  
23 and Parole. And there are certain terms and conditions of your  
24 supervision that you must comply with. Of course, you'll get a  
25 copy of all that. But if you intentionally violate those terms

1 and conditions it could result in you having to go to prison. Do  
2 you understand that?

3 MR. WITKOWSKI: Yes, Your Honor.

4 THE COURT: All right. Is there any forfeiture in this  
5 case?

6 MR. BLACKWOOD: No, Your Honor.

7 THE COURT: All right. Okay. Have you had enough time  
8 to talk to your lawyer about your case?

9 MR. WITKOWSKI: Yes, Your Honor.

10 THE COURT: And are you satisfied with his represent-  
11 ation of you in this matter?

12 MR. WITKOWSKI: Yes, Your Honor.

13 THE COURT: Has he done everything you've asked him to  
14 do?

15 MR. WITKOWSKI: Yes, Your Honor.

16 THE COURT: Is there anything that he did that you did  
17 not want him to do?

18 MR. WITKOWSKI: No, Your Honor.

19 THE COURT: All right. At least at this point you're  
20 perfectly happy with his representation, is that fair?

21 MR. WITKOWSKI: Yes, Your Honor.

22 THE COURT: All right. Have you been coerced in any way  
23 or by any person to enter into this plea of guilty?

24 MR. WITKOWSKI: No, Your Honor.

25 THE COURT: No threats?

1 MR. WITKOWSKI: No, Your Honor.

2 THE COURT: All right. And so how do you wish to plead  
3 to the charge in the Information, the charge of making a false  
4 statement to the FBI, guilty or not guilty?

5 MR. WITKOWSKI: Guilty, Your Honor.

6 THE COURT: Are you pleading guilty because you are, in  
7 fact, guilty of this case?

8 MR. WITKOWSKI: Yes, Your Honor.

9 THE COURT: All right. I note that in -- if you go to  
10 the Plea Agreement, in page -- on page 2, Paragraph 3 there's a  
11 factual basis for the guilty plea. And it sets forth the  
12 evidence the Government would have presented if this case had  
13 gone to trial. And certain things are stated within those  
14 paragraphs about you, Mr. Witkowski, that you did that constitute  
15 the basis for the charge in the Information. Do you understand  
16 that?

17 MR. WITKOWSKI: Yes, Your Honor.

18 THE COURT: Do you admit that you made those false  
19 statements?

20 MR. WITKOWSKI: Yes, Your Honor.

21 THE COURT: And you're, in fact, guilty of that charge,  
22 is that correct?

23 MR. WITKOWSKI: Yes, Your Honor.

24 THE COURT: Okay. Mr. Blackwood, do you want to make  
25 any further record on the factual basis?



1 MR. BLACKWOOD: No, Your Honor. I think everything is  
2 captured in Paragraph 3.

3 THE COURT: All right. I would agree with that. That's  
4 a good basis of a -- a factual basis for the plea. Mr. Davis, do  
5 you want to make any further record on the factual basis?

6 MR. DAVIS: No, Your Honor. I think we've covered  
7 everything.

8 THE COURT: All right.

9 MR. BLACKWOOD: And I may have missed it, Your Honor,  
10 but if you'd just inquire whether the defendant agrees with the  
11 factual basis laid out in Paragraph 3.

12 THE COURT: Do you agree with that, sir?

13 MR. WITKOWSKI: Yes, Your Honor.

14 THE COURT: And you admit that you made these false  
15 statements, is that correct?

16 MR. WITKOWSKI: Yes, Your Honor.

17 THE COURT: All right. Okay. I'm going to order a  
18 Presentence Investigation Report be prepared on behalf of the  
19 United States -- or on behalf of the defendant. And that will  
20 take three to four months. Is that fair?

21 MR. BLACKWOOD: Roughly, Your Honor, yes.

22 THE COURT: Yeah. And when you get that draft report,  
23 Mr. Witkowski, you and your lawyer need to read it carefully. If  
24 there's anything in there that you think is incorrect that you  
25 want to object to you have that right. Do you understand that?

1 MR. WITKOWSKI: Yes, Your Honor.

2 THE COURT: And typically what would happen is, if there  
3 was an objection, your attorney would try to work that out  
4 informally with the U.S. Attorney's Office and get it resolved  
5 that way. If they cannot get it worked out, you have the right  
6 to file formal written objections to the Presentence Report. Do  
7 you understand that?

8 MR. WITKOWSKI: Yes, Your Honor.

9 THE COURT: So, it's very critical that you read that  
10 report. Okay?

11 MR. WITKOWSKI: Yes, Your Honor.

12 THE COURT: I'll prepare a Report and Recommendation to  
13 Judge Kays recommending that he accept your plea of guilty. And  
14 I make the following findings. I find that you understand the  
15 charge against you and the consequences of your plea. I find you  
16 have been advised of your rights, you understand them and  
17 voluntarily and intelligently waive those rights. I find you  
18 have been ably and competently assisted by your attorney, Mr.  
19 Davis. I find that you do not suffer from any mental disease or  
20 defect, now or at the time the crime was committed. I find that  
21 your decision to plead guilty has been made freely and  
22 voluntarily and without coercion. I find there is a factual  
23 basis for the plea and I find that beyond a reasonable doubt that  
24 you are, in fact, guilty of the crime charged in the Information.  
25 Now, the Government is not moving for detention, is that correct?

1 MR. BLACKWOOD: That's correct, Your Honor.

2 THE COURT: All right. I did have one concern after  
3 talking with Pretrial Services, and that is the nature of the  
4 charge is somewhat disturbing to me. And I also -- you know,  
5 there was some indication that there had been issues in the past  
6 with your client's mental health and possible suicide attempts,  
7 is that correct?

8 MR. WITKOWSKI: Yes, Your Honor.

9 THE COURT: All right. Mr. Davis, do you have any  
10 concerns about your client's mental health at this time?

11 MR. DAVIS: Judge, I'm sorry. Your Honor, I don't have  
12 any concerns with him being out in the community. He's been out  
13 for a long time living with his grandparents. His grandfather is  
14 here present in the courtroom today. He does have family  
15 support. There are a lot of eyes on him. He has reached out and  
16 has done counseling the past. So, while there are some concerns,  
17 I don't think there's anything that would -- that would make me  
18 voice concern with him being out in the community because that's  
19 where he's been and he's been doing well in the community. So, I  
20 would ask that he stay there.

21 THE COURT: Mr. Blackwood, do you have any concerns?

22 MR. BLACKWOOD: Based on some of the information that  
23 was articulated in the written supplement, our current  
24 understanding of his living situation and employment situation,  
25 currently, we don't have concerns that he is a -- either a flight

1 risk or a danger to persons in the community at this time.

2 THE COURT: All right. Okay. Well, Mr. Witkowski, if  
3 you start having negative thoughts or get -- you know, will you  
4 promise me that you're talk to Pretrial Services and your lawyer?

5 MR. WITKOWSKI: Yes, Your Honor.

6 THE COURT: All right. Because I don't want you to do  
7 anything to hurt yourself. All right.

8 MR. WITKOWSKI: Yes, Your Honor.

9 THE COURT: You give me your word on that?

10 MR. WITKOWSKI: I do, Your Honor.

11 THE COURT: And your grandfather back there, sir, will  
12 you make sure that you monitor this situation so that if you have  
13 any concerns, you know, let -- you need to let the Pretrial  
14 Services officer know. Will you do that? Or his attorney?

15 MR. WAYNE ASH: Yes, sir.

16 THE COURT: All right. Well, Mr. Witkowski, I'm going  
17 to go ahead and issue an Order of Release and I'm going to read  
18 the conditions to you at this time. Okay. It's ordered that  
19 your release is subject to these conditions. First, you must not  
20 violate any federal, state or local law while on release.  
21 Second, you must cooperate in the collection of a DNA sample if  
22 it is authorized under Title 42 or requested by the United  
23 States. You must advise the Court or the Pretrial Services  
24 Office or supervising officer in writing before making any change  
25 of residence or telephone number. You must appear in court as

1 required. And if convicted, you must surrender as directed to  
2 serve any sentence that the court may impose. You must submit to  
3 supervision by and report for supervision to the Pretrial  
4 Services Officer as directed. You must continue or actively seek  
5 employment. Are you working now?

6 MR. WITKOWSKI: Yes, Your Honor.

7 THE COURT: Okay. Keep working. Okay?

8 MR. WITKOWSKI: Yes, Your Honor.

9 THE COURT: You must abide by the following restrictions  
10 on travel. You may not travel beyond the boundaries of Jackson  
11 County, Clay County, Platte County and Cass County, Missouri, and  
12 Johnson County and Wyandotte County, Kansas. Now, you also must  
13 reside at a residence approved by Pretrial Services. Now, if you  
14 need to travel beyond those counties, you just need to contact  
15 your supervising officer and he -- they're pretty lenient about  
16 that, you know, as long as you have a decent reason, if, you  
17 know, it might be work or family, funeral, or whatever, you know.  
18 But you just need to make sure that you get permission in advance  
19 so they know where you're at. Okay?

20 MR. WITKOWSKI: Yes, Your Honor.

21 THE COURT: All right. You must avoid all contact,  
22 directly or indirectly, with any person who is or may be a victim  
23 or witness in the investigation or prosecution of this case. You  
24 must get medical or psychiatric treatment as directed by Pretrial  
25 Services. You may not possess a firearm, destructive device or

1 other weapon. Do you have any firearms?

2 MR. WITKOWSKI: No, Your Honor.

3 THE COURT: All right. You may not use alcohol at all.  
4 You may not use or unlawfully possess a narcotic drug or other  
5 controlled substance defined in 21 U.S. Code Section 802, unless  
6 prescribed by a licensed medical practitioner. You must submit  
7 to testing for a prohibited substance if required by the Pretrial  
8 Services Office or supervising officer. Testing may be used with  
9 random frequency and may include urine testing, the wearing of a  
10 sweat patch, a remote alcohol testing system, and/or any form of  
11 prohibited substance screening or testing. You must not  
12 obstruct, attempt to obstruct or tamper with the efficiency and  
13 accuracy of prohibited substance screening or testing. You must  
14 participate in a program of in-patient or out-patient substance  
15 abuse therapy and counseling if directed by the Pretrial Services  
16 Office or supervising officer. You must report as soon as  
17 possible to the Pretrial Services Office or supervising officer  
18 every contact with law enforcement personnel, including arrests,  
19 questionings, or traffic stops. You must report to the Pretrial  
20 Services Office 30 minutes before any court proceeding that you  
21 are required to attend. So, if you have a court proceeding, you  
22 need to be here 30 minutes in advance. Go to the Fourth Floor,  
23 report to Pretrial Services, then come on upstairs to the  
24 courtroom. Do you understand?

25 MR. WITKOWSKI: Yes, Your Honor.

1 THE COURT: All right. Well, you know, this is big  
2 opportunity for you to stay out of trouble so your lawyer can  
3 help you. And if you do that, it's going to really help you at  
4 sentencing. Do you understand?

5 MR. WITKOWSKI: Yes, Your Honor.

6 THE COURT: So, don't -- don't mess it up.

7 MR. WITKOWSKI: Yes, Your Honor.

8 THE COURT: Okay. And, Grandfather, if you -- I'm  
9 counting on you to let us know if there's any issues. Okay?

10 MR. WAYNE ASH: No problem.

11 THE COURT: All right. Thank you. All right.  
12 Anything?

13 MS. MARTIN: Your Honor, just for the record, if you  
14 may, I'm not sure if I had the formal plea come from his attorney  
15 or if the defendant was answering your questions if he was guilty  
16 or if I actually --

17 THE COURT: He did.

18 MS. MARTIN: He actually pled? Okay.

19 THE COURT: Yeah. Yeah.

20 MS. MARTIN: Got it. Good.

21 THE COURT: He pled.

22 MS. MARTIN: My apologies.

23 THE COURT: Anybody disagree with that?

24 MR. BLACKWOOD: No disagreement here.

25 THE COURT: All right. Okay. Mr. Witkowski, you're

1 going to need to sign this Order of Release. You'll get a copy  
2 of it.

3 (Defendant Signing Paperwork)

4 THE COURT: Does anybody have any questions or concerns  
5 they want to raise with me?

6 MR. BLACKWOOD: None from the Government, Your Honor.

7 THE COURT: All right.

8 MR. DAVIS: Nothing from the defense, Your Honor.

9 THE COURT: Okay. Does your client have any questions  
10 he wants to ask me?

11 MR. WITKOWSKI: No, Your Honor.

12 THE COURT: All right. Well, good luck. Stay out of  
13 trouble.

14 MR. WITKOWSKI: Thank you, Your Honor.

15 THE COURT: All right. Okay. You'll just need to sign  
16 this and you'll get a copy of it, so.

17 (Court Adjourned at 2:00 p.m.)  
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6 I certify that the foregoing is a correct transcript  
7 from the electronic sound recording of the proceeding in the  
8 above-entitled matter.

9  
10 /s/ Lissa C. Whittaker  
Signature of transcriber

August 8, 2019  
Date